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Paper No. 28

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MAR 23 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Gernot HOYLER.
Application No. 09/096,133
Filed: June 11, 1998
For: COMPUTER-AIDED SIMULATION
METHOD FOR DETERMINING THE
ELECTROMAGNETIC FIELD OF A
BODY

)
)
) DECISION ON PETITION TO
) WITHDRAW HOLDING OF
) ABANDONMENT UNDER 37 CFR
) §1.181
)
)

This is a decision in response to the Request for reconsideration of petition, filed 24 June 2004, under 37 CFR §1.181 to withdraw holding of abandonment of the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to file a timely response to the Office action mailed 19 May 2003 (paper No. 22). A Notice of Abandonment was mailed on 22 January 2004 (paper No. 23).

In support of the petition, Applicant asserts that the Office action dated 19 May 2003 was not received, and that no record of the Office action was found in the Attorney's file for this application. Petitioner supplies a copy of the front of the file (Attachment A), the firm's computer docket system (Attachment B), and the relevant page from the record book that Ms. Weidenfeller maintained (Attachment C) and states that this is where the record would have been entered in the firm's docketing system. The provided attachments show no entry indicating receipt of the Office action mailed 19 May 2003.

The relevant portion of MPEP § 711.03(c) states:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must

be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioner has met the criteria of set out in MPEP § 711.03(c) for establishing failure to receive an Office action.

For the above, the petition is **GRANTED**. The abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff to process and enter the response dated June 24, 2004.



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